

Part 10

4-1000 ENTRANCE CORRIDOR OVERLAY DISTRICT

4-1001

Purpose

The entrance corridor overlay district is intended to implement the comprehensive plan goal of preserving the rural character and natural beauty of the land in the county including the preservation of the natural, scenic, historic, architectural and cultural resources, by ensuring a quality of development compatible with those resources through design control measures. The purposes of this article are to stabilize and improve property values; to protect and enhance the county's attractiveness to tourists and other visitors; to sustain and enhance the economic benefits accruing to the county from tourism; to support and stimulate development complimentary to the prominence afforded properties and districts having historic, architectural or cultural significance; all of the foregoing being deemed to advance and promote the health, safety and welfare of the general public.

4-1002

Applicability

- (a) Subject to subsection (b), below, entrance corridor overlay districts may hereafter be established upon and along arterial streets or highways which are deemed by the county to be significant routes of tourist access to the county, or to designated historic landmarks, buildings, structures or districts within the county, and to designated historic landmarks, buildings, structures or districts in any contiguous locality. Entrance corridor overlay districts shall be created by amendment to the Zoning Ordinance as provided in Part 2 of Article 13.
- (b) The entrance corridor overlay districts referred to in subsection (a) above shall extend across parcels contiguous to the streets or highways identified in (a) above, from the edge of the right-of-way of the street or highway the full depth of the lot or parcel, as the lot or parcel exists upon creation of the district.
- (c) The entrance corridor overlay districts established pursuant to subsection (a) shall overlay the existing zoning district classifications of the land contiguous to the streets and highways enumerated within subparagraph (a), above. The regulations set forth within this article shall apply to all such land, in addition to the regulations of the underlying zoning district and in addition to other generally applicable zoning ordinance provisions (e.g., generally applicable standards governing parking, lighting, landscaping, signs, etc.). In the event of a conflict between the regulations set forth within this article and those set forth within the regulations of the underlying zoning district

classification, or elsewhere within this zoning ordinance, the more restrictive regulation shall govern.

4-1003

Certificates of Appropriateness Required

- (a) All development requiring a building permit or sign permit within an entrance corridor overlay district shall require a certificate of appropriateness issued in accordance with section 4-1005, where the work requiring the permit: (i) is new construction, or (ii) represents an addition to or modification of any existing building or structure. Except as otherwise provided within subsection (c), no building or sign permit shall be issued for any purpose unless and until a certificate of appropriateness has been issued for the improvements that are the subject of the building permit.
- (b) All development requiring a site plan within an entrance corridor overlay district shall require a certificate of appropriateness issued in accordance with 4-1005. Except as otherwise provided within subsection (c), for any development subject to the requirement of a site plan no final site plan shall be approved or signed by the county unless and until a certificate of appropriateness has been issued for all buildings and improvements shown on such site plan.
- (c) Notwithstanding the foregoing provisions of this section, no certificate of appropriateness shall be required for the following activities:
 - (1) Interior alterations to a building or structure, having no effect on exterior appearance of the building or structure.
 - (2) Construction of ramps and other modifications to serve the handicapped.
 - (3) General maintenance of buildings or structures, where no substantial change in design or materials is proposed.

4-1004

Review Board

- (a) The provisions of this article shall be administered by an entrance corridor review board ("review board") hereby created by the county. The county's Architectural Review Board shall serve as the entrance corridor review board.
 - (1) The meetings of the review board shall be held at the call of its chairman or at such times as a quorum of the board may determine.

- (2) The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact.
 - (3) All records of official actions shall become part of the permanent records of the board of review.
 - (4) The review board shall choose annually its own chairman and vice-chairman, who shall act in the absence of the chairman.
 - (5) The review board may, from time to time, adopt and amend bylaws for the regulation of its affairs and the conduct of its business.
 - (6) The review board may, from time to time, recommend areas for designation as entrance corridor overlay districts and may also recommend removal of any such designation.
 - (7) The review board shall be advisory to the county and board of zoning appeals in rezonings, special use permits, site plans, subdivisions, variances and other matters within entrance corridor overlay districts.
 - (8) The review board shall be responsible for issuance of certificates of appropriateness as required by this article.
- (b) The review board shall develop and recommend to the county for its approval design guidelines for the entrance corridor overlay districts, consistent with the purposes and standards set forth within this article. The review board shall develop such guidelines in consultation with the county's director of Community Development. The guidelines shall include standards for reviewing proposed development within an entrance corridor district. Guidelines developed by the board shall become effective upon approval by the Board of Supervisors. Thereafter, the review board shall undertake a comprehensive review and update its design guidelines at least once every five (5) years.
- (c) The review board shall recommend for adoption by the Board of Supervisors a schedule of fees for the examination and approval or disapproval of proposals submitted in accordance with this article.

4-1005

Application for certificate of appropriateness

- (1) Application for a certificate of appropriateness pursuant to this article shall be filed with the Office of Community Development by the owner or contract purchaser of the subject property.
 - a. Applications shall be submitted with architectural plans, site plans, landscaping plans, design for proposed signs with appropriate detail as to character, proposed exterior lighting arrangements, elevations of all portions of the structure of structures with important relationships to public view (with indications as to visual construction materials, design of doors and windows, colors and relationships to adjoining structures) and such other exhibits and reports as are necessary for these determinations.
 - b. A complete application shall include the filing fee required by the Board of Supervisors.
- (2) Within seven (7) business days following receipt of a complete application, the director of Community Development shall forward the application, together with all accompanying informational materials, to the review board.
- (3) Upon receipt of an application, the review board shall review the application at the next regularly scheduled meeting.
 - c. Written notice of the meeting shall be sent by first class mail to the applicant. The notice shall be mailed at least ten (10) calendar days in advance of the meeting.
 - d. Written notice of the meeting shall also be provided to each member of the county's planning commission and county, at least (10) calendar days in advance of the meeting. Such notice may be hand-delivered, mailed or transmitted via electronic communication.
 - e. The notices required by this subsection shall state the type of use or development proposed, the specific location of such use or development, and a general description of the appearance and materials proposed for the development which is the subject of the application.
- (4) The review board shall approve or disapprove an application and, if approved, shall issue a certificate of appropriateness therefore, with or without such conditions as it deems necessary to insure compliance with this article. In the event that the review board has not approved or disapproved an application within ninety (90) days from the date of application and there has been no mutual agreement to extend the time

for consideration of the application, the applicant may appeal to the Board of Supervisors in accordance with Section 4-1007 of this Ordinance.

4-1006 **Standards for considering certificates of appropriateness**

The review board, or the Board of Supervisors on review of an application on appeal, shall consider the following features and factors in determining the appropriateness of proposed construction, reconstruction, alteration or restoration of buildings or structures pursuant to this article:

- (1) Overall architectural design, form, and style of the subject building or structure, including, but not limited to: the height, mass and scale;
- (2) Exterior architectural details and features of the subject building or structure;
- (3) Texture, materials and color of materials proposed for use on the subject building or structure;
- (4) Design and arrangement of buildings and structures on the subject site;
- (5) The extent to which the features and characteristics described within paragraphs (1)-(4), above, are architecturally compatible (or incompatible) with similar features and characteristics of other buildings and structures having frontage on the same Entrance Corridor street(s) as the subject property.

4-1007 **Appeals**

- (a) The Board of Supervisors reserves unto itself the right to review all decisions of the entrance corridor review board made in the administration of this article which, in its discretion, the county deems necessary to the proper administration hereof.
- (b) In addition to the review allowed by subsection (a), above, any person aggrieved by a decision of the entrance corridor review board made in the administration of this article may demand a review by the Board of Supervisors of the review board's decision on an application. Such demand shall be made by filing a written request therefore with the clerk of the county within ten (10) calendar days of the date of such decision. In reviewing such application the Board of Supervisors may affirm, reverse or modify, in whole or in part, the decision of the review board.
- (c) In reviewing any decision of the entrance corridor review board, the Board of Supervisors shall give due consideration to the recommendations of the review

board, together with such other information and evidence as the county deems necessary for a proper review of the application.

- (d) Any person or persons aggrieved by a final decision of the county made pursuant to this section may appeal such decision to the circuit court of the county of Fauquier, by filing with the court a petition at law, setting forth the alleged illegality of the action taken. Such petition must be filed with the circuit court within thirty (30) days after the decision is rendered by the county. The filing of the petition shall stay the county decision pending the outcome of the appeal.